

Exhibit 94:

MSP Emails Discussing Registration for Non-Michigan Convictions

[MSP 674-715]

Hi Sharon,

If you feel we need to respond in writing, here is my suggested response: (the links are for my benefit in saving a draft of this letter)

"Dear Attorney Chartier,

It appears your client was convicted of Conspiracy to Engage in the Sex Trafficking of Minors in violation of 18 USC 1591(a)(1), (b)(2), and (c). According to the Superseding Felony Information to which your client pled guilty, your client and other individuals conspired to recruit a 15 old minor and a 16 year old minor to engage in commercial sexual acts. The minors were taken to several hotel rooms reserved by your client where she assisted in posting paid advertisements online that promoted the minor's availability for commercial sexual activity. As a result, various "johns" replied to the advertisements and met the minors at the motels for sex. Your client confirmed her knowledge of the minors' ages in a recorded jail call with an inmate.

Under [MCL 28.722\(t\)](#) of [Michigan's Sex Offender Registration Act](#) (SORA), a person is a Tier II offender for purposes of sex offender registration if he or she is convicted of any of the following offenses:

1. Pandering pursuant to [MCL 750.455](#)
2. Soliciting a Minor for Prostitution pursuant to [MCL 750.448](#)
3. Accosting, Enticing, or Soliciting a Child for Immoral Purposes pursuant to [MCL 750.145a](#)
4. Use of Internet or Computer System to commit certain violations (e.g. MCL 750.145a) pursuant to [MCL 750.145d](#)

Pursuant to [MCL 767.39](#), any person aiding or abetting the commission of any Tier II offense may be prosecuted, convicted, and punished as though he or she had directly committed such offense, and is subject to registration under the SORA. Additionally, pursuant to MCL 28.722(u)(xii), a person who attempts *or conspires* to commit a Tier II offense is also subject to registration as a Tier II offender under SORA.

Since your client's conviction under federal law is substantially similar to the conspiracy to commit one or more of the above listed Tier II offenses under Michigan law, your client is properly required to register as a Tier II offender in Michigan pursuant to MCL 28.422(u)(xiii). While the plea offer letter sent to your client suggests that sex offender registration would not be required under federal law as part of the plea, such a representation of federal law is not relevant to Michigan's SORA requirements.

I hope this information is useful."

Steven G. Beatty

Departmental Specialist

Legislative and Legal Resources Section

Office of the Director

Michigan State Police

P. O. Box 30634

Lansing, MI 48909

Jegla, Sharon (MSP)

From: Gemellaro, John (MSP)
Sent: Wednesday, June 1, 2022 4:13 PM
To: Jegla, Sharon (MSP)
Cc: Morris, Narcisa (MSP)
Subject: RE: [REDACTED] REQUEST FRO REVIEW/LEGAL

Good afternoon Narcisa and Sharon,

I have reviewed the judgment of conviction and sections 18 USC 2251(a) and (c)(1)(b). I agree with Ms. Hadzajlic-King's analysis that these are tier II offenses. The troublesome issue is duration.

Under SORNA, these are tier-II offenses and have a 25-year duration. The complication is that he was a resident of California at the time of conviction (as shown on the judgment). Ms. Hadzajlic-King correctly identified that he would be registering for life in California.

In previous discussions, we've identified similar scenarios but always defaulted to the convicting jurisdiction's requirement, not the fact that the RSO was a resident of a state that required lifetime registration. In those scenarios, the RSO had been convicted in state X(25 year), moved to state Y (with lifetime) then came to Michigan. Those situations are distinguishable because the RSO moved to a state with a greater requirement.

In this case, the RSO was, at all times, a resident of California. The indictment notes on the convicting counts (1,6,7,8 & 9) that the RSO had requested and received child porn via interstate commerce. The videos were sent from Alaska to his home in California. This is a federal conviction – it would make no difference if he were charged in California or Alaska. It was likely set out of Alaska because that's where the videos originated. Note that the allegations were conspiracy and aiding and abetting – probably based on the person sending the videos or making the videos. Because it is federal jurisdiction, the actual location has less impact than his state of residence when the crime was committed and when he was convicted. This RSO should be registered for life because he was a resident of California when the crime was committed and the conviction was entered.

If you have questions or wish to discuss this further, please let me know.

John Gemellaro
Legal Resources and Education
Transparency and Accountability Division
Michigan State Police
7150 Harris Drive
Dimondale, Michigan 48821
[REDACTED]

"A PROUD tradition of SERVICE through EXCELLENCE, INTEGRITY, and COURTESY"



From: Jegla, Sharon (MSP) <jeglas@michigan.gov>
Sent: Tuesday, May 24, 2022 8:53 AM
To: Gemellaro, John (MSP) <GemellaroJ@michigan.gov>
Cc: Morris, Narcisa (MSP) <MorrisN@michigan.gov>
Subject: RE: [REDACTED]

REQUEST FRO REVIEW/LEGAL

Good Morning John,

We have an offender who while living in California was convicted federally in Alaska. He never lived in Alaska. He conspired and aided and abetted. He has now moved to Michigan. According to our tiering calculation, he would be considered a Tier 2. Alaska does not require registration. California requires lifetime. I'm pretty sure we can register him for life based on California's requirement, but wanted to confirm with you. The judgment is attached and also there are some additional details provided below from Lana.

Thanks,

Sharon Jegla
Sex Offender Registry Unit
Criminal Justice Information Center
Michigan State Police
P.O. Box 30634
Lansing, MI 48909


"A PROUD tradition of SERVICE through EXCELLENCE, INTEGRITY, AND COURTESY"



From: Hadzajlic-King, Lana (MSP) <HadzajlicKingL@michigan.gov>
Sent: Monday, May 23, 2022 3:42 PM
To: Morris, Narcisa (MSP) <MorrisN@michigan.gov>
Cc: Jegla, Sharon (MSP) <jeglas@michigan.gov>
Subject: [REDACTED] REQUEST FRO REVIEW/LEGAL

Good Afternoon,

The above offender is a an incoming from California who reported to Oakland County. They obtained form, and record was created.

This offender is a resident of California who was convicted of federal offense out of Alaska. According to JOS and description of the offense, RSO never left California but aided and abetted during commission of this crime. He was convicted of the following:

1. 4 Counts of 18 USC & 2251 (a) & 12 &2251(C)(1)(B) &18 USC&2(a) Aiding and Abetting in the Sexual Exploitation of Children
2. 18 USC & 371 Conspiracy to Manufacture Child Pornography (by all accounts this will be entered as 9999-OHER CRIMES as per Procedure as this is not in our PACC Code)

This offender has a lifetime registration requirement in California, and when CASEX was asked if this SO was required to register in Alaska, California responded that they "do not seek SOR information on Federal cases." As per CASEX "We assessed Mr. Finucane in 2015 for his Federal conviction and have the judgment and 2nd Superseding Indictment we

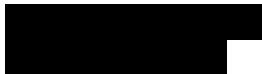
used for our assessment. Mr. Finucane is a tier 3 offender in California which makes him a lifetime registrant in our state." Judging by the JOS, this RSO Funicane was secondary offender. The other one was physically in Alaska.

Please note that I have reached out to Alaska, however they did not have the above offender registered in their state for this sex offense.

As per PACC code 18 USC & 2251 (a) is a Tier 2. While I am not an attorney, I think this offender should be registered here as a Tier 2 but with lifetime registration requirements based on his registration requirements out of California.

I would appreciate if you could advise your thoughts on the above matter.

Respectfully

Lana Hadzajlic-King
Pronouns: she, her, hers
Sex Offender Registry Unit
Criminal Justice Information Center
Michigan State Police
P.O. Box 30634
Lansing, MI 48909


"A PROUD tradition of SERVICE through EXCELLENCE, INTEGRITY, and COURTESY"



LET'S STAY SAFE TOGETHER

Jegla, Sharon (MSP)

From: Gemellaro, John (MSP)
Sent: Tuesday, September 13, 2022 1:41 PM
To: Jegla, Sharon (MSP)
Cc: Morris, Narcisa (MSP)
Subject: RE: REF RSO [REDACTED]

Hello,

I've reviewed the statute, and it has many variables that can impact tiering. If an offense is prosecuted under this section does not fall into the catch-all provision of 28.722(e)(xi), then analysts will need to make review additional documents to make factual determinations related to each case. I know they do this already – most often for victim age – the analysis could be more in-depth because "any sexual activity for which a person can be charged with a criminal offense" would be production/possession of CSAM, actual sexual assault, solicitation, prostitution, and many more. Each one of those offenses would impact tiering in addition the age of the victim could impact tiering in each of those cases as well.

I went into Mr. [REDACTED] record and it is a good example.

The information provided shows it was perhaps a CSC 3rd, based on the nature of the relationship. But that information is not present in the record, thus we cannot make that conclusion. Solicitation is not an option as the victim was 16 years old. So in this case, the tier I catch-all is the best option.

5) Current and/or prior criminal history of offense(s):

<u>Offense and Date of Conviction</u>	<u>Detailed Description</u>
Transportation of a Minor with Intent To Engage In Criminal Sexual Activity and Aiding and Abetting and Sexual Exploitation and Forfeiture Allegations 03-20-2013	Inmate [REDACTED] was a former Pastor at Hammond Baptist Church in Hammond, Indiana, who counseled a female high school student from April 2012 until July 2012. Evidence shows pictures of [REDACTED] and the female kissing and several text exchanges saying they loved one another. Mr. [REDACTED] also used his secretary to transport the female to Illinois and Michigan for "counseling" sessions with him, i.e. to engage in sexual activity.

In other cases, the determination could be different with more information related to the facts and circumstances of the conviction.

Apologize for the delay.

John Gemellaro
Legal Resources and Education
Transparency and Accountability Division
Michigan State Police
7150 Harris Drive

Does v Whitmer
Case No. 22-cv-10209

Dimondale, Michigan 48821
[REDACTED]

"A PROUD tradition of SERVICE through EXCELLENCE, INTEGRITY, and COURTESY"



From: Jegla, Sharon (MSP) <jeglas@michigan.gov>
Sent: Monday, August 15, 2022 11:36 AM
To: Gemellaro, John (MSP) <Gemellaroj@michigan.gov>
Cc: Morris, Narcisa (MSP) <MorrisN@michigan.gov>
Subject: FW: REF RSO [REDACTED]
Importance: High

Good Morning John,

In 2006, Greg Zarotney did a review of this offense – 18 USC 2423 and determined we do not have a corresponding MI listed offense to register him under other than the catch-all in 28.722(e)(xi). We have it listed as an unpublished Tier 1.

Lana is requesting that a review be done again because she does not agree with it. Lots of things have changed over the years so I thought I would send for your review. The offender was convicted under subsection (a) as listed in the attached judgment.

(a) TRANSPORTATION WITH INTENT TO ENGAGE IN CRIMINAL SEXUAL ACTIVITY.—

A person who knowingly transports an individual who has not attained the age of 18 years in interstate or foreign commerce, or in any commonwealth, territory or possession of the United States, with intent that the individual engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense, shall be fined under this title and imprisoned not less than 10 years or for life.

(b) TRAVEL WITH INTENT TO ENGAGE IN ILLICIT SEXUAL CONDUCT.—

A person who travels in interstate commerce or travels into the United States, or a United States citizen or an alien admitted for permanent residence in the United States who travels in foreign commerce, with a motivating purpose of engaging in any illicit sexual conduct with another person shall be fined under this title or imprisoned not more than 30 years, or both.

(c) ENGAGING IN ILLICIT SEXUAL CONDUCT IN FOREIGN PLACES.—

Any United States citizen or alien admitted for permanent residence who travels in foreign commerce or resides, either temporarily or permanently, in a foreign country, and engages in any illicit sexual conduct with another person shall be fined under this title or imprisoned not more than 30 years, or both.

(d) ANCILLARY OFFENSES.—

Whoever, for the purpose of commercial advantage or private financial gain, arranges, induces, procures, or facilitates the travel of a person knowing that such a person is traveling in interstate commerce or foreign commerce with a motivating purpose of engaging in illicit sexual conduct shall be fined under this title, imprisoned not more than 30 years, or both.

(e) ATTEMPT AND CONSPIRACY.—

Whoever attempts or conspires to violate subsection (a), (b), (c), or (d) shall be punishable in the same manner as a completed violation of that subsection.

(f) DEFINITION.—As used in this section, the term “illicit sexual conduct” means—

(1) a sexual act (as defined in section 2246) with a person under 18 years of age that would be in violation of chapter 109A if the sexual act occurred in the special maritime and territorial jurisdiction of the United States;

(2)

any commercial sex act (as defined in section 1591) with a person under 18 years of age; or

(3)

production of child pornography (as defined in section 2256(8)).

(g) DEFENSE.—

In a prosecution under this section based on illicit sexual conduct as defined in subsection (f)(2), it is a defense, which the defendant must establish by clear and convincing evidence, that the defendant reasonably believed that the person with whom the defendant engaged in the commercial sex act had attained the age of 18 years.

Thanks,

Sharon Jegla
Sex Offender Registry Unit
Criminal Justice Information Center
Michigan State Police
P.O. Box 30634
Lansing, MI 48909


“A PROUD tradition of SERVICE through EXCELLENCE, INTEGRITY, AND COURTESY”



From: Hadzajlic-King, Lana (MSP) <HadzajlicKingL@michigan.gov>

Sent: Monday, August 15, 2022 10:54 AM

To: Jegla, Sharon (MSP) <jeglas@michigan.gov>

Subject: REF RSO 

Importance: High

Sharon,

Please see attached Judgment of Sentence for review and offense description. I did reach out to USPO Agent Schultz to see what 2 stands for. It is my guess that while it is 1 count, additional description of the offense was added.

As per PACC cod/ MSP Legal it is indicated that 18:2423(A) TRANSPORTATION WITH INTENT TO ENGAGE IN CRIMINAL SEXUAL ACTIVITY should be Tier 1/ non-publishable offense. It appears that this was reviewed by MSP legal in 2006.

I believe that due to description by USPO agent and additional description of the offense, this offense at minimum should be publishable offense and potentially Tier 2.

Please advise if we can send this to legal for further review.

Respectfully

Lana Hadzajlic-King
Pronouns: she, her, hers
Sex Offender Registry Unit
Criminal Justice Information Center
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P.O. Box 30634
Lansing, MI 48909
[REDACTED]

"A PROUD tradition of SERVICE through EXCELLENCE, INTEGRITY, and COURTESY"



LET'S STAY SAFE TOGETHER

From: Ben Schultz <Ben_Schultz@miwp.uscourts.gov>
Sent: Friday, August 12, 2022 1:07 PM
To: Hadzajlic-King, Lana (MSP) <HadzajlicKingL@michigan.gov>
Cc: Thomas Mize <Thomas_Mize@miwp.uscourts.gov>
Subject: FW: REF [REDACTED]
Importance: High

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Good morning Lana,

I have attached the Judgement for Mr. [REDACTED].

This case involved three states. Mr. [REDACTED] was sentenced out of the Northern District of Indiana, which is the primary location for the sexual assaults. However, the victim was transported through a third party to Illinois and Michigan,

where further sexual assaults occurred. Please let me know if you need specifics regarding the offense conduct with each state. The dates listed for the offense are 04/2012 to 7/31/2012.

The date of conviction is 9/26/2012. He was sentenced on 3/20/2013. The victim was 16 years old when the offense conduct began, but she turned 17 over the course of the assaults.

Thank you,

Ben Schultz
U.S. Probation Officer
Western District of Michigan



Jegla, Sharon (MSP)

From: Gemellaro, John (MSP)
Sent: Tuesday, August 9, 2022 4:57 PM
To: Morris, Narcisa (MSP)
Cc: Jegla, Sharon (MSP)
Subject: RE: Question: [REDACTED]

Good evening,

The California statute section 288 is most closely related to a CSC 2 in Michigan (MCL 750.520c). Thus his tiering would be based on the age of the victim.

The indecent exposure charge is likely a registerable offense as well. But because the offender must register in California for the IE conviction, he must also register in Michigan. The tiering of this offense would be based on the conviction date and the age of the victim. The point could be moot based on the tiering for the 288 offense.

The record below does not have any conviction or victim age information with it.

Let me know if you need more information on this record.

John Gemellaro
Legal Resources and Education
Transparency and Accountability Division
Michigan State Police
7150 Harris Drive
Dimondale, Michigan 48821
[REDACTED]

"A PROUD tradition of SERVICE through EXCELLENCE, INTEGRITY, and COURTESY"



From: Morris, Narcisa (MSP) <MorrisN@michigan.gov>
Sent: Tuesday, August 9, 2022 4:30 PM
To: Gemellaro, John (MSP) <GemellaroJ@michigan.gov>
Cc: Jegla, Sharon (MSP) <jeglas@michigan.gov>
Subject: Question: [REDACTED]

Hi John,

Can you advise how we should proceed? California requires how to register but
Best Regards,

Narcisa Morris
Unit Manager Sex Offender Registry
Criminal Justice Information Center
Michigan State Police

Does v Whitmer
Case No. 22-cv-10209

P.O. Box 30634
Lansing, MI 48909
[REDACTED]

"A PROUD tradition of SERVICE through EXCELLENCE, INTEGRITY, and COURTESY"



doesn't have anything to tell us right now.

From: Bilsky, Meaghan (MSP) <BilskyM@michigan.gov>
Sent: Tuesday, August 9, 2022 10:16 AM
To: Morris, Narcisa (MSP) <MorrisN@michigan.gov>
Cc: Jegla, Sharon (MSP) <jeglas@michigan.gov>
Subject: RE: [REDACTED]

Good morning Narcisa,

I have a unique situation I've ran across involving California offenses...

Summary

[REDACTED] is convicted of a California offense 288 - Crimes Against Children (Lewd or Lascivious) and was 13 at the time of the offense
[REDACTED] is convicted of 314.1 Indecent Exposure and is only required to register this in MI due to CA requiring registration

Per flowchart & input from Sharon, we would register Mr. [REDACTED] based on convicting state's cycle, tier, duration, and publishing.

However, [REDACTED] California registration is still being reviewed by CA SOR, they were not able to give me an exact tier assessment unless I sent a written request to them which would be forwarded to their legal department. I was also advised their hope is to complete their audit by the end of this year.

Can you advise if I/we should send a letter to their legal, wait until their review process is completed, or have any other suggestions/direction?

Thanks,
Meaghan Bilsky
Pronouns: She, her, hers
Sex Offender Registry Unit
Criminal Justice Information Center
Michigan State Police
P.O. Box 30634
Lansing, MI 48909
[REDACTED]

"A PROUD tradition of SERVICE through EXCELLENCE, INTEGRITY, and COURTESY"

From: Jegla, Sharon (MSP) <jeglas@michigan.gov>
Sent: Tuesday, August 9, 2022 8:55 AM
To: Bilsky, Meaghan (MSP) <BilskyM@michigan.gov>
Subject: RE: [REDACTED]

The Indecent Exposure does not require registration in Michigan and the 288 does not require registration in MI because he was under 14 at the time of the offense. He will be required to register entirely on California's requirements.

Thanks,

Sharon Jegla
Sex Offender Registry Unit
Criminal Justice Information Center
Michigan State Police
P.O. Box 30634
Lansing, MI 48909
[REDACTED]

"A PROUD tradition of SERVICE through EXCELLENCE, INTEGRITY, AND COURTESY"



From: Bilsky, Meaghan (MSP) <BilskyM@michigan.gov>
Sent: Thursday, August 4, 2022 3:41 PM
To: Jegla, Sharon (MSP) <jeglas@michigan.gov>
Subject: RE: [REDACTED]

Yes! He is registered under that offense in CA.

From: Jegla, Sharon (MSP) <jeglas@michigan.gov>
Sent: Thursday, August 4, 2022 3:40 PM
To: Bilsky, Meaghan (MSP) <BilskyM@michigan.gov>
Subject: RE: [REDACTED]

We can take the Sodomy off because he was 13 and if CA doesn't require registration, we will not either. Since he is required to register for 288 in CA, we will keep that one on.

Does California require him to register for the Indecent Exposure?

Thanks,

Sharon Jegla
Sex Offender Registry Unit
Criminal Justice Information Center
Michigan State Police
P.O. Box 30634
[REDACTED]

Fax: 517-241-1868

"A PROUD tradition of SERVICE through EXCELLENCE, INTEGRITY, AND COURTESY"



From: Bilsky, Meaghan (MSP) <BilskyM@michigan.gov>

Sent: Thursday, August 4, 2022 3:18 PM

To: Jegla, Sharon (MSP) <jeglas@michigan.gov>

Subject: [REDACTED]

Sharon,

I have been in contact w/ CA SOR several times regarding Mr. [REDACTED]. He does not have a tier assigned by them and his record is currently being reviewed, so information has been a little tricky to obtain.

[REDACTED] has 2 offenses that he committed while he was 13:

286(A) - SODOMY	No	1	05/31/1998
288 - CRIMES AGAINST CHILDREN (LEWD OR LASCIVIOUS)	Yes	1	05/31/1998

CA SOR doesn't have him registered for the SODOMY charge. I sent them the documentation I obtained from the court and haven't heard back yet. They do have him registered under the 288 charge, however since he's still being reviewed they were not able to give me an exact tier assessment unless I sent a written request to them which would be forwarded to their legal department. I was also advised their hope is to complete their audit by the end of this year.

He has a 3rd charge – 314.1 – Indecent Exposure which is a Tier 1 offense, however the 288 – Crimes Against Children would be a tier 3 based off victim age. I can also confirm he is a non-public registrant on the CA SOR.

Can you please advise how I should proceed?

Thanks,
Meaghan Bilsky
Pronouns: She, her, hers
Sex Offender Registry Unit
Criminal Justice Information Center
Michigan State Police
P.O. Box 30634
Lansing, MI 48909

[REDACTED]

"A PROUD tradition of SERVICE through EXCELLENCE, INTEGRITY, and COURTESY"

Jegla, Sharon (MSP)

From: Gemellaro, John (MSP)
Sent: Wednesday, July 27, 2022 12:18 PM
To: Jegla, Sharon (MSP); Morris, Narcisa (MSP)
Subject: RE: [REDACTED] - FL probation Request for Reporting Instructions

Update:

He should register as a tier II. The information available regarding Flordia's withhold of adjudication does not appear to fit the profile for a youthful trainee. As such, this should be treated as a conviction until the offender successfully completes his supervision period.

John Gemellaro
Legal Resources and Education
Transparency and Accountability Division
Michigan State Police
7150 Harris Drive
Dimondale, Michigan 48821
[REDACTED]

"A PROUD tradition of SERVICE through EXCELLENCE, INTEGRITY, and COURTESY"



From: Jegla, Sharon (MSP) <jeglas@michigan.gov>
Sent: Wednesday, July 27, 2022 11:46 AM
To: Gemellaro, John (MSP) <GemellaroJ@michigan.gov>; Morris, Narcisa (MSP) <MorrisN@michigan.gov>
Subject: RE: [REDACTED] - FL probation Request for Reporting Instructions

So if this is similar to HYTA, we would not register him at this point. Just to confirm, is that what I should tell MDOC or do you still want to do some checking?

Thanks,

Sharon Jegla
Sex Offender Registry Unit
Criminal Justice Information Center
Michigan State Police
P.O. Box 30634
Lansing, MI 48909
[REDACTED]

"A PROUD tradition of SERVICE through EXCELLENCE, INTEGRITY, AND COURTESY"



From: Gemellaro, John (MSP) <GemellaroJ@michigan.gov>
Sent: Wednesday, July 27, 2022 11:42 AM
To: Jegla, Sharon (MSP) <jeglas@michigan.gov>; Morris, Narcisa (MSP) <MorrisN@michigan.gov>
Subject: RE: [REDACTED] - FL probation Request for Reporting Instructions

It looks like he is transferring his probation here, so as of now, he has not completed his term of probation.

His supervision start date is 7/22/22, so he will be under supervision for awhile.

John Gemellaro
Legal Resources and Education
Transparency and Accountability Division
Michigan State Police
7150 Harris Drive
Dimondale, Michigan 48821
[REDACTED]

"A PROUD tradition of SERVICE through EXCELLENCE, INTEGRITY, and COURTESY"



From: Jegla, Sharon (MSP) <jeglas@michigan.gov>
Sent: Wednesday, July 27, 2022 11:36 AM
To: Morris, Narcisa (MSP) <MorrisN@michigan.gov>; Gemellaro, John (MSP) <GemellaroJ@michigan.gov>
Subject: RE: [REDACTED] - FL probation Request for Reporting Instructions

If we have run into this situation in the past, we referred to legal and I don't have any documentation that we have seen this before for Florida. I agree that if it is similar to HYTA, we would need to know if they successfully completed their term of probation. Should I ask Melanie to find out if they successfully completed the 3 year probation term?

Thanks,

Sharon Jegla
Sex Offender Registry Unit
Criminal Justice Information Center
Michigan State Police
P.O. Box 30634
Lansing, MI 48909
[REDACTED]

"A PROUD tradition of SERVICE through EXCELLENCE, INTEGRITY, AND COURTESY"



From: Morris, Narcisa (MSP) <MorrisN@michigan.gov>

Sent: Wednesday, July 27, 2022 11:33 AM

To: Gemellaro, John (MSP) <GemellaroJ@michigan.gov>; Jegla, Sharon (MSP) <jeglas@michigan.gov>

Subject: RE: [REDACTED] - FL probation Request for Reporting Instructions

Hi John,

Sharon will have to chime in. But we had changes recently regarding HYTA, so I may be wrong, but if an agent entered the offender it was up to them to tell us if they received HYTA, but we would register until it was identified they completed successfully.

Sharon do you agree?

Best Regards,

Narcisa Morris
Unit Manager Sex Offender Registry
Criminal Justice Information Center
Michigan State Police
P.O. Box 30634
Lansing, MI 48909
[REDACTED]

"A PROUD tradition of SERVICE through EXCELLENCE, INTEGRITY, and COURTESY"



From: Gemellaro, John (MSP) <GemellaroJ@michigan.gov>

Sent: Wednesday, July 27, 2022 9:55 AM

To: Jegla, Sharon (MSP) <jeglas@michigan.gov>

Cc: Morris, Narcisa (MSP) <MorrisN@michigan.gov>

Subject: RE: [REDACTED] - FL probation Request for Reporting Instructions

Good morning,

I truly appreciate your patience in the review of this record and the comparison of the statutes.

The factual basis and original charge are most closely aligned with a CSC 2 (MCL 750.520c) or perhaps accosting a child for an immoral purpose (MCL 750.145A). The conviction is substantially similar to MCL 750.145d(1)(a). As Steve pointed out in his prior analysis, the criminal activity in both statutes involves communicating with another individual to commit a specified felony offense – in this case, CSC 2 or accosting a child. As a result, and based on the tiering definitions in MCL 28.722, this individual should be appropriately registered as a tier II.

There is a catch, however.

SECTION 2: ORDER WITHHOLDING ADJUDICATION

- Now, therefore, it is ordered and adjudged that the adjudication of guilt is hereby withheld and t Probation for a period of thirty-six (36) months under the supervision of the Department of C Florida law.

This section is withholding adjudication of guilt. My interpretation of this is similar to that of HYTA status or some other non-public record. Have you encountered something like this before? If so, how is it treated? If not, we should discuss a bit further.

John Gemellaro
Legal Resources and Education
Transparency and Accountability Division
Michigan State Police
7150 Harris Drive
Dimondale, Michigan 48821


"A PROUD tradition of SERVICE through EXCELLENCE, INTEGRITY, and COURTESY"



From: Jegla, Sharon (MSP) <jeglas@michigan.gov>
Sent: Monday, July 25, 2022 3:02 PM
To: Gemellaro, John (MSP) <GemellaroJ@michigan.gov>
Cc: Morris, Narcisa (MSP) <MorrisN@michigan.gov>
Subject: FW: [REDACTED] - FL probation Request for Reporting Instructions

Hi John,

We have an offender moving to Michigan from Florida and MDOC is trying to determine if he would be required to register. He was convicted of 934.215 Unlawful Use of a 2-Way Communications Device. Florida does not require registration. We previously had an offender who moved to MI with that offense and Steve said to make him a Tier 2. This one has a bit of a different circumstance, so I wanted to run it by you to confirm. Steve's determination is attached ("Florida 934.215 Unlawful Use of Device").

934.215 Any person who uses a two-way communications device, including, but not limited to, a portable two-way wireless communications device, to facilitate or further the commission of any felony offense commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s.

The offender's probation order does not prohibit him from being around minors and it does not require him to attend sex offender treatment which were the circumstances with the previous case in Steve's email. However, this offense was committed against a minor and was sexual in nature.

In this case, the police report doesn't say anything about communication devices:

Narrative

Between the dates of March 2019 and October 2019, the defendant, [REDACTED] did the offense of Offenses against students by authority figures in violation of Florida State Statute 800.101. The defendant did so by being thirty five years old while employed as a Teacher with County School District at Arnold High School and engaging in a romantic and lewd relationship with a seventeen year old student. The relationship is affectionate and intimate in nature. The defendant engaged with the student by hugging, kissing on the head, forehead, and collarbone and rubbing the victim's leg in the upper thigh area. One at least one occasion the defendant while engaging with the victim began to rub and grind his groin against the groin of the victim. He also shared information with the student personal and intimate in nature such as his mental health, his erectile dysfunction, and his favorite sexual positions. The defendant and the victim would meet at the around 6:30 a.m. to engage in the cuddling, kissing, and personal talk. The defendant even described their relationship as "School Husbands". The relationship was reciprocal in nature.

This Offense did occur in the city of Panama City Beach, Bay County, Florida

Please let me know if he should register in Michigan and what tier so that I can let MDOC know and they can get him registered if needed.

Thanks,

Sharon Jegla
Sex Offender Registry Unit
Criminal Justice Information Center
Michigan State Police
P.O. Box 30634
Lansing, MI 48909
[REDACTED]

"A PROUD tradition of SERVICE through EXCELLENCE, INTEGRITY, AND COURTESY"



From: MDOC-Sex Offender Management Unit <MDOC-SexOffenderManagementUnit@michigan.gov>
Sent: Monday, July 25, 2022 12:16 PM
To: Jegla, Sharon (MSP) <jeglas@michigan.gov>
Subject: FW: [REDACTED] - FL probation Request for Reporting Instructions

Hi Sharon,

I checked in MSOR and it has this as a listed offense for FL offenses. The victim was 17 at the time of the offense. The offender is not required to register in Florida, just checking to see if they will be required to register in MI. We received the below response back from Florida with the statute code:

The best fit for the NCIC code looks like 3707 which is Obscene Communication. The FL Statute is below.

The
2021
Florida
Statutes

Title XLVII	Chapter 934	View Entire Chapter
CRIMINAL PROCEDURE AND CORRECTIONS	SECURITY OF COMMUNICATIONS; SURVEILLANCE	
934.215 Unlawful use of a two-way communications device. —Any person who uses a two-way communications device, including, but not limited to, a portable two-way wireless communications device, to facilitate or further the commission of any felony offense commits a felony of the third degree, punishable as provided in s. <u>775.082</u> , s. <u>775.083</u> , or s. <u>775.084</u> .		

History.—s. 1, ch. 2001-114.

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From: Socia, Julie (MDOC) <SociaJ2@michigan.gov>

Sent: Friday, July 22, 2022 2:17 PM

To: MDOC-Sex Offender Management Unit <MDOC-SexOffenderManagementUnit@michigan.gov>

Cc: Cobb, Daryn (MDOC) <CobbD@michigan.gov>; Hines, Lydia (MDOC) <HinesL3@michigan.gov>; Castelein, Nayatt (MDOC) <CasteleinN@michigan.gov>

Subject: [REDACTED] - FL probation Request for Reporting Instructions

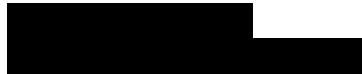
Good Afternoon,

Florida DOC has submitted a Request for Reporting Instructions for probationer [REDACTED] ICOTS offender [REDACTED]. FL DOC did not provide any sex offender registration requirement for this offender. Per the offense report the

subject was arrested for Offense Against Student by Authority Figures. The attached sentencing information states a conviction of Unlawful Use of Two-Way Communications Device.

Please advise if this offender would be required to register as a sex offender in the State of Michigan?

Thank you.

Julie Socia, Lead Agent
Michigan Department of Corrections
Interstate Compact Unit


Jegla, Sharon (MSP)

From: Arritt, Elizabeth (MSP)
Sent: Wednesday, March 31, 2021 8:10 AM
To: Jegla, Sharon (MSP)
Subject: FW: Ref: [REDACTED]

Can you let MDOC know, but do not leave Steve's email in or his contact details.

Thank you,
Liz

From: Beatty, Steven (MSP) <BeattyS@michigan.gov>
Sent: Tuesday, March 30, 2021 8:48 PM
To: Arritt, Elizabeth (MSP) <ArrittE@michigan.gov>
Subject: Re: Ref: [REDACTED]

Hi Liz,

I believe he is a Tier II because as Sharon identified, it is substantially similar to a violation under MCL 750.145d(1)(a) (using a computer to commit possession of CSAM under MCL 750.145c).

Although the Michigan violation references a communication with "another person" to commit a listed crime which by its nature constitutes a sexual offense against a child (i.e. possession CSAM), the Florida violation's reliance on the use of a two way communication, (which implicitly includes a communication with another person) to commit a felony which can similarly include a Florida violation which by its nature constitutes a sexual offense against a minor. Based on the terms of probation which include no contact with minors and sex offender treatment, we can infer that the factual basis which supported his Florida plea/conviction was sufficient to support a finding that the "felony" being relied upon to support his plea to the unlawful 2-way communication was a felony that constituted a sexual offense against a minor.

Please let me know if you have any questions. Thanks!

Steve

On Mar 30, 2021, at 4:28 PM, Arritt, Elizabeth (MSP) <ArrittE@michigan.gov> wrote:

Steve,

Can you look at this? I am really uncertain. He is not registered in FL.

Best Regards,

Elizabeth Arritt, Manager
Sex Offender Registry Unit
Criminal Justice Information Center

Does v Whitmer
Case No. 22-cv-10209

Michigan State Police
7150 Harris Drive
Dimondale, Michigan 48821
[REDACTED]

"A PROUD tradition of SERVICE through EXCELLENCE, INTEGRITY, and COURTESY"
<image003.png>

From: Jegla, Sharon (MSP) <jeglas@michigan.gov>

Sent: Tuesday, March 30, 2021 1:14 PM

To: Arritt, Elizabeth (MSP) <ArrittE@michigan.gov>

Subject: FW: Ref: [REDACTED]

Have you had time to check this out? MDOC is trying to determine if he is required to register in Michigan.

Thanks,

Sharon Jegla
Sex Offender Registry Unit
Criminal Justice Information Center
Michigan State Police
P.O. Box 30634
Lansing, MI 48909
[REDACTED]

"A PROUD tradition of SERVICE through EXCELLENCE, INTEGRITY, AND COURTESY"

<image002.png>

From: Jegla, Sharon (MSP) <jeglas@michigan.gov>

Sent: Friday, March 26, 2021 4:52 PM

To: Jegla, Sharon (MSP) <jeglas@michigan.gov>

Subject: FW: Ref: [REDACTED]

Liz,

MDOC would like to know if this offender is required to register so I would like to run by you. He is not required to register in Florida for the offense. He was originally charged with 20 counts of Possession of Child Pornography. He was convicted of 934.215:

934.215 Unlawful use of a two-way communications device.—Any person who uses a two-way communications device, including, but not limited to, a portable two-way wireless communications device, to facilitate or further the commission of any felony offense commits a felony of the third degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#).

The only one that I would consider to be comparable would be 750.145D.

750.145d Use of internet or computer system; prohibited conduct; violation; penalty; jurisdiction; order to reimburse state or local governmental unit; definitions.

Sec. 145d.

(1) A person shall not use the internet or a computer, computer program, computer network, or computer system to communicate with any person for the purpose of doing any of the following:

(a) Committing, attempting to commit, conspiring to commit, or soliciting another person to commit conduct proscribed under section 145a, **145c**, 157c, 349, 350, 520b, 520c, 520d, 520e, or 520g, or section 5 of 1978 PA 33, MCL 722.675, in which the victim or intended victim is a minor or is believed by that person to be a minor.

(b) Committing, attempting to commit, conspiring to commit, or soliciting another person to commit conduct proscribed under section 411h or 411i.

(c) Committing, attempting to commit, conspiring to commit, or soliciting another person to commit conduct proscribed under chapter XXXIII or section 327, 327a, 328, or 411a(2).

(2) A person who violates this section is guilty of a crime as follows:

(a) If the underlying crime is a misdemeanor or a felony with a maximum term of imprisonment of less than 1 year, the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$5,000.00, or both.

(b) If the underlying crime is a misdemeanor or a felony with a maximum term of imprisonment of 1 year or more but less than 2 years, the person is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than \$5,000.00, or both.

(c) If the underlying crime is a misdemeanor or a felony with a maximum term of imprisonment of 2 years or more but less than 4 years, the person is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$5,000.00, or both.

(d) If the underlying crime is a felony with a maximum term of imprisonment of 4 years or more but less than 10 years, the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than \$5,000.00, or both.

(e) If the underlying crime is a felony punishable by a maximum term of imprisonment of 10 years or more but less than 15 years, the person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than \$10,000.00, or both.

(f) If the underlying crime is a felony punishable by a maximum term of imprisonment of 15 years or more or for life, the person is guilty of a felony punishable by imprisonment for not more than 20 years or a fine of not more than \$20,000.00, or both.

(3) The court may order that a term of imprisonment imposed under this section be served consecutively to any term of imprisonment imposed for conviction of the underlying offense.

(4) This section does not prohibit a person from being charged with, convicted of, or punished for any other violation of law committed by that person while violating or attempting to violate this section, including the underlying offense.

(5) This section applies regardless of whether the person is convicted of committing, attempting to commit, conspiring to commit, or soliciting another person to commit the underlying offense.

(6) A violation or attempted violation of this section occurs if the communication originates in this state, is intended to terminate in this state, or is intended to terminate with a person who is in this state.

(7) A violation or attempted violation of this section may be prosecuted in any jurisdiction in which the communication originated or terminated.

(8) The court may order a person convicted of violating this section to reimburse this state or a local unit of government of this state for expenses incurred in relation to the violation in the same manner that expenses may be ordered to be reimbursed under section 1f of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1f.

(9) As used in this section:

(a) "Computer" means any connected, directly interoperable or interactive device, equipment, or facility that uses a computer program or other instructions to perform specific operations including logical, arithmetic, or memory functions with or on computer data or a computer program and that can store, retrieve, alter, or

communicate the results of the operations to a person, computer program, computer, computer system, or computer network. Computer includes a computer game device or a cellular telephone, personal digital assistant (PDA), or other handheld device.

(b) "Computer network" means the interconnection of hardwire or wireless communication lines with a computer through remote terminals, or a complex consisting of 2 or more interconnected computers.

(c) "Computer program" means a series of internal or external instructions communicated in a form acceptable to a computer that directs the functioning of a computer, computer system, or computer network in a manner designed to provide or produce products or results from the computer, computer system, or computer network.

(d) "Computer system" means a set of related, connected or unconnected, computer equipment, devices, software, or hardware.

(e) "Device" includes, but is not limited to, an electronic, magnetic, electrochemical, biochemical, hydraulic, optical, or organic object that performs input, output, or storage functions by the manipulation of electronic, magnetic, or other impulses.

(f) "Internet" means that term as defined in section 230 of the communications act of 1934, 47 USC 230.

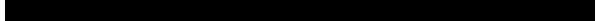
(g) "Minor" means an individual who is less than 18 years of age.

Thanks,

Sharon Jegla
Sex Offender Registry Unit
Criminal Justice Information Center
Michigan State Police
P.O. Box 30634
Lansing, MI 48909


"A PROUD tradition of SERVICE through EXCELLENCE, INTEGRITY, AND COURTESY"

<image002.png>

From: MDOC-Sex Offender Management Unit <MDOC-SexOffenderManagementUnit@michigan.gov>
Sent: Wednesday, March 24, 2021 2:21 PM
To: Jegla, Sharon (MSP) <jeglas@michigan.gov>
Cc: Province, Michael (MDOC) <ProvinceM@michigan.gov>
Subject: FW: Ref: 

Good Afternoon Sharon,

Would this ICOTS offender have to register here in Michigan?

Thank you,

Melanie Cascaddan, Lead Agent
Sex Offender Management Unit
Office of Parole and Probation Services-GVP
Office Phone 

From: Province, Michael (MDOC) <ProvinceM@michigan.gov>
Sent: Wednesday, March 24, 2021 2:16 PM
To: MDOC-Sex Offender Management Unit <MDOC-SexOffenderManagementUnit@michigan.gov>
Subject: Ref: [REDACTED]

Good afternoon,

The above offender is a FL probationer, sentenced this month, and requesting to transfer to MI. The transfer has already been denied once due to the proposed placement not allowing sex offenders to reside there. Florida does NOT require him to register, and is arguing that he would not be required to register in MI either.

Can you please reach out to MSP to determine if the offender would be required to register in MI or not? Please see the attached arrest report and probation order with the final convicted offense

Underlying offense: 20 counts of Possession of child pornography – Florida Statutes 827.071-5

Convicted offense: 2 counts of Unlawful use of two way communications device to facilitate a felony (appears to be Florida statute 934.215)

Age of the victim: Based on the file name, at least one of the victims in the images is 5 years old

Based on the report, the most comparable offenses to the **convicted** offense that both the field office and I can come up with are Computer use to commit a crime (750.145d), or unauthorized surveillance of a minor (750.539j), both of which would require registration, based on the underlying offense, so we need clarification on the matter.

Thank you for your assistance with this.

Michael Province
Department Technician
Interstate Compact Unit
Offenders P-Z

Michigan Department of Corrections
Interstate Compact Unit
206 E Michigan Ave
Lansing, MI 48933

[REDACTED]
[REDACTED]
<image001.jpg>

[REDACTED]
<arrestreport (2).pdf>

Jegla, Sharon (MSP)

From: Province, Michael (MDOC)
Sent: Friday, December 10, 2021 8:23 AM
To: Morris, Narcisa (MSP); MDOC-Sex Offender Management Unit; Jegla, Sharon (MSP)
Subject: RE: Ref: [REDACTED]

Ok, perfect, thank you!
I will advise the field office of your findings.
Thank you again! 😊

From: Morris, Narcisa (MSP) <MorrisN@michigan.gov>
Sent: Thursday, December 9, 2021 6:02 PM
To: MDOC-Sex Offender Management Unit <MDOC-SexOffenderManagementUnit@michigan.gov>; Jegla, Sharon (MSP) <jeglas@michigan.gov>
Cc: Province, Michael (MDOC) <ProvinceM@michigan.gov>
Subject: RE: Ref: [REDACTED]

HI Team,

I was advised that while the Georgia statute, while vaguely named, includes many variables of assault: assault with intent to rob, rape, maim, etc. The factual allegations that made up Mr. [REDACTED] case, his plea, and the Georgia statute align with our assault with intent to commit CSC, MCL 750.520g. Mr. [REDACTED] conviction for Aggravated Battery (GA Statute 16-5-21) is substantially similar to MCL 750.520g, Assault with intent to commit criminal sexual conduct, and therefore would be registered as a tier I.

Hopefully, that satisfies any questions you had.

Best Regards,

Narcisa Morris
Sex Offender Registry Unit Manager
Criminal Justice Information Center
Michigan State Police
P.O. Box 30634
Lansing, MI 48909
[REDACTED]

"A PROUD tradition of SERVICE through EXCELLENCE, INTEGRITY, and COURTESY"



From: Morris, Narcisa (MSP)
Sent: Wednesday, December 8, 2021 2:26 PM
To: MDOC-Sex Offender Management Unit <MDOC-SexOffenderManagementUnit@michigan.gov>; Jegla, Sharon (MSP)

<jeglas@michigan.gov>

Cc: Province, Michael (MDOC) <ProvinceM@michigan.gov>

Subject: RE: Ref: [REDACTED]

Hi Melanie,

I apologize in advance for our delay. This has been forwarded to MSP legal and we are till awaiting a response. I'm working to get this to you and I have made them aware of the deadline needed. I will let you know as soon as I hear back.

Thank you.

Best Regards,

Narcisa Morris
Sex Offender Registry Unit Manager
Criminal Justice Information Center
Michigan State Police
P.O. Box 30634
Lansing, MI 48909
[REDACTED]

"A PROUD tradition of SERVICE through EXCELLENCE, INTEGRITY, and COURTESY"



From: MDOC-Sex Offender Management Unit <MDOC-SexOffenderManagementUnit@michigan.gov>

Sent: Tuesday, December 7, 2021 3:29 PM

To: Morris, Narcisa (MSP) <MorrisN@michigan.gov>; Jegla, Sharon (MSP) <jeglas@michigan.gov>

Cc: Province, Michael (MDOC) <ProvinceM@michigan.gov>

Subject: FW: Ref: [REDACTED]

Good Afternoon Narcisa and Sharon,

Any update on whether this offender will have to register in Michigan or not?

Thank you,

Melanie Cascaddan, Lead Agent
Sex Offender Management Unit
Office of Parole and Probation Services-GVP
Office Phone [REDACTED]

From: Province, Michael (MDOC) <ProvinceM@michigan.gov>
Sent: Tuesday, December 7, 2021 2:31 PM
To: MDOC-Sex Offender Management Unit <MDOC-SexOffenderManagementUnit@michigan.gov>
Subject: RE: Ref: [REDACTED]

Good afternoon,

I wanted to see if there had been an update from MSP regarding this case.

Please advise.

Thank you.

From: Province, Michael (MDOC)
Sent: Tuesday, November 23, 2021 8:19 AM
To: MDOC-Sex Offender Management Unit <MDOC-SexOffenderManagementUnit@michigan.gov>
Subject: RE: Ref: [REDACTED]

I'll need a response no later than 12/10, so as to allow time for the field to complete their investigation once we know.

From: MDOC-Sex Offender Management Unit <MDOC-SexOffenderManagementUnit@michigan.gov>
Sent: Tuesday, November 23, 2021 7:46 AM
To: Province, Michael (MDOC) <ProvinceM@michigan.gov>
Subject: RE: Ref: [REDACTED]

Do you have a due date on this? MSP is asking.

From: Province, Michael (MDOC) <ProvinceM@michigan.gov>
Sent: Monday, November 22, 2021 3:10 PM
To: MDOC-Sex Offender Management Unit <MDOC-SexOffenderManagementUnit@michigan.gov>
Subject: RE: Ref: [REDACTED]

I'm sorry, I forgot to include that.

No, he is not required to register in GA.

I'm guessing that he won't be required to register here either, since it was reduced to assaultive charges, but just wanted to make sure.

From: MDOC-Sex Offender Management Unit <MDOC-SexOffenderManagementUnit@michigan.gov>
Sent: Monday, November 22, 2021 3:06 PM
To: Province, Michael (MDOC) <ProvinceM@michigan.gov>
Subject: RE: Ref: [REDACTED]

Does the offender have to register in Georgia?

From: Province, Michael (MDOC) <ProvinceM@michigan.gov>
Sent: Monday, November 22, 2021 2:16 PM
To: MDOC-Sex Offender Management Unit <MDOC-SexOffenderManagementUnit@michigan.gov>
Subject: Ref: [REDACTED]

Good afternoon,

The above offender is requesting to transfer to MI.

The original offense appears to be a sexual assault in nature, with the final conviction being an aggravated assault.

Does v Whitmer

3

MSP-0000701

Case No. 22-cv-10209

Dec 16, 2022

Can you please have MSP review the attached police report and sentencing document and advise if the offender would be required to register if he transferred to Michigan?

Thank you.

Original charge: Sexual Battery – Georgia statute 16-6-22.1

Convicted charge(s): Aggravated Battery – Georgia statute 16-5-24, Aggravated Assault – Georgia Statute 16-5-21

Victim age: Unknown.

Michael Province

Department Technician

Interstate Compact Unit

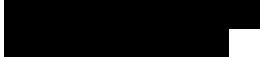
Offenders P-Z

Michigan Department of Corrections

Interstate Compact Unit

206 E Michigan Ave

Lansing, MI 48933



Jegla, Sharon (MSP)

From: Gemellaro, John (MSP)
Sent: Thursday, September 22, 2022 9:18 AM
To: Jegla, Sharon (MSP)
Cc: Morris, Narcisa (MSP)
Subject: RE: [REDACTED]

Hi Sharon,

I've reviewed the information you provided.

Without more information, this individual would be a Tier I registrant.

MCL 750.335a is a registrable offense for a violation of section (2)(b) where the victim is a minor. Thus, indecent exposure to a minor is a registrable tier I offense. The Illinois statute criminalizes exposing a minor to a sexual acts or his/her genitals. As a result, the individual should register as a tier I.

John Gemellaro
Legal Resources and Education
Transparency and Accountability Division
Michigan State Police
7150 Harris Drive
Dimondale, Michigan 48821
[REDACTED]

"A PROUD tradition of SERVICE through EXCELLENCE, INTEGRITY, and COURTESY"



From: Jegla, Sharon (MSP) <jeglas@michigan.gov>
Sent: Tuesday, September 20, 2022 1:55 PM
To: Gemellaro, John (MSP) <Gemellaroj@michigan.gov>
Cc: Morris, Narcisa (MSP) <MorrisN@michigan.gov>
Subject: [REDACTED]

[REDACTED] moved here from Illinois. He was convicted of 4 counts of 11-9.1(A)(2) – SEXUAL EXPLOITATION OF A CHILD/EXPOSES SEX ORGANS all on the same conviction date. We are checking with Illinois on what their requirements are, but we still need to know his MI tier and verification cycle. Would this offense even require registration in MI since we don't register for Indecent Exposure? It's worded weirdly so I wanted to confirm with you.

(720 ILCS 5/11-9.1) (from Ch. 38, par. 11-9.1)
Sec. 11-9.1. Sexual exploitation of a child.

(a) A person commits sexual exploitation of a child if in the presence or virtual presence, or both, of a child and with knowledge that a child or one whom he or she believes to be a child would view his or her acts, that person:

- (1) engages in a sexual act; or
- (2) exposes his or her sex organs, anus or breast for

the purpose of sexual arousal or gratification of such person or the child or one whom he or she believes to be a child.

Thanks,

Sharon Jegla
Sex Offender Registry Unit
Criminal Justice Information Center
Michigan State Police
P.O. Box 30634
Lansing, MI 48909
[REDACTED]

"A PROUD tradition of SERVICE through EXCELLENCE, INTEGRITY, AND COURTESY"



From: Stehlik, Katrina (MSP) <StehlikK2@michigan.gov>
Sent: Tuesday, September 20, 2022 11:34 AM
To: Jegla, Sharon (MSP) <jeglas@michigan.gov>
Subject: REF: [REDACTED]

Good Morning, (Almost Afternoon)

I was working on Mr. [REDACTED] and noticed he wasn't Tiered or anything. He was charged with 11-9.1(A)(2) - SEXUAL EXPLOITATION OF A CHILD/EXPOSES SEX ORGANS
He has 4 of those same charges but different committed and Conviction dates.

I did reach out to Illinois for more information about how long he is supposed to registry for those crimes in their state and if there were any Victim ages that they could provide for us. Once I hear back from them, I can send you that information as well.

Thank you, Sharon!

Jegla, Sharon (MSP)

From: Gemellaro, John (MSP)
Sent: Monday, November 14, 2022 10:38 AM
To: Jegla, Sharon (MSP)
Cc: Morris, Narcisa (MSP)
Subject: Re: REF MARYLAND CASE RSP [REDACTED] refer to legal

Good morning,

I apologize for the confusion related to this request earlier.

I have reviewed the documents and relevant law. The RSO was charged with multiple counts of child abuse for allegations related to sexual abuse of child. The Maryland statutes related to his conviction have been re-organized and Article XX Sec 35 is was repealed and is now listed as Maryland Law 3-601.

The RSO pled to the primary abusive allegation (Count 1) on the complaint. The basis for this charge, the admissions from the RSO and the elements of the offense are substantially similar to Michigan's CSC 1st or CSC 3rd. The conditions and variables that would place him into a first or third degree are irrelevant for this analysis as both offenses are a tier III offense for the purposes of SORA.

As a result, he should register as a tier III.

John Gemellaro
Legal Resources and Education
Transparency and Accountability Division
Michigan State Police
7150 Harris Drive
Dimondale, Michigan 48821
[REDACTED]

"A PROUD tradition of SERVICE through EXCELLENCE, INTEGRITY, and COURTESY"

From: Jegla, Sharon (MSP) <jeglas@michigan.gov>
Sent: Monday, November 14, 2022 9:10:10 AM
To: Gemellaro, John (MSP) <GemellaroJ@michigan.gov>
Subject: RE: REF MARYLAND CASE RSP [REDACTED] refer to legal

I deleted it.

Thanks,

Sharon Jegla
Sex Offender Registry Unit
Criminal Justice Information Center
Michigan State Police
P.O. Box 30634
[REDACTED]
[REDACTED]

Fax: 517-241-1868

"A PROUD tradition of SERVICE through EXCELLENCE, INTEGRITY, AND COURTESY"



From: Gemellaro, John (MSP) <GemellaroJ@michigan.gov>
Sent: Monday, November 14, 2022 9:09 AM
To: Jegla, Sharon (MSP) <jeglas@michigan.gov>
Cc: Morris, Narcisa (MSP) <MorrisN@michigan.gov>
Subject: RE: REF MARYLAND CASE RSP [REDACTED] refer to legal

Sharon,

Please disregard last email –

I was reviewing documentation from a different request.

John Gemellaro
Legal Resources and Education
Transparency and Accountability Division
Michigan State Police
7150 Harris Drive
Dimondale, Michigan 48821
[REDACTED]

"A PROUD tradition of SERVICE through EXCELLENCE, INTEGRITY, and COURTESY"



From: Jegla, Sharon (MSP) <jeglas@michigan.gov>
Sent: Monday, November 14, 2022 7:30 AM
To: Gemellaro, John (MSP) <GemellaroJ@michigan.gov>
Cc: Morris, Narcisa (MSP) <MorrisN@michigan.gov>
Subject: RE: REF MARYLAND CASE RSP [REDACTED] refer to legal

Good Morning John,

We have received a signed registration form on this offender and the technicians are asking for an update on this request. Have you had a chance to look at this one?

Thanks,

Sharon Jegla
Sex Offender Registry Unit
Criminal Justice Information Center
Michigan State Police
P.O. Box 30634
Lansing, MI 48909

Does v Whitmer
Case No. 22-cv-10209



From: Jegla, Sharon (MSP) <jeglas@michigan.gov>
Sent: Wednesday, October 19, 2022 5:07 PM
To: Gemellaro, John (MSP) <GemellaroJ@michigan.gov>
Cc: Morris, Narcisa (MSP) <MorrisN@michigan.gov>
Subject: FW: REF MARYLAND CASE RSP [REDACTED] refer to legal

John,

This offender moved to MI from Maryland. Maryland removed him from their registry. He was convicted of 27-35C. Can you please tell me what tier he should be in Michigan?

Art 27 § 35C. Causing abuse to child (a) Definitions. -- (1) In this section the following words have the meanings indicated. (2) "Abuse" means: (i) The sustaining of physical injury by a child as a result of cruel or inhumane treatment or as a result of a malicious act by any parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child, or by any household or family member, under circumstances that indicate that the child's health or welfare is harmed or threatened thereby; or (ii) Sexual abuse of a child, whether physical injuries are sustained or not. (3) "Child" means any individual under the age of 18 years. (4) "Family member" means a relative of a child by blood, adoption, or marriage. (5) "Household member" means a person who lives with or is a regular presence in a home of a child at the time of the alleged abuse. (6) (i) "Sexual abuse" means any act that involves sexual molestation or exploitation of a child by a parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child, or by any household or family member. (ii) "Sexual abuse" includes, but is not limited to: 1. Incest, rape, or sexual offense in any degree; 2. Sodomy; and 3. Unnatural or perverted sexual practices. (b) Violation constitutes felony; penalty; sentencing. -- (1) A parent or other person who has permanent or temporary care or custody or responsibility for the supervision of a child or a household or family member who causes abuse to the child is guilty of a felony and on conviction is subject to imprisonment in the penitentiary for not more than 15 years. (2) If the violation results in the death of the victim, the person is guilty of a felony and upon conviction is subject to imprisonment for not more than 30 years. (3) The sentence imposed under this section may be imposed separate from and consecutive to or concurrent with a sentence for any offense based upon the act or acts establishing the abuse.

Thanks,

Sharon Jegla
Sex Offender Registry Unit
Criminal Justice Information Center
Michigan State Police
P.O. Box 30634
Lansing, MI 48909

"A PROUD tradition of SERVICE through EXCELLENCE, INTEGRITY, AND COURTESY"



From: Hadzajlic-King, Lana (MSP) <HadzajlicKingL@michigan.gov>
Sent: Wednesday, October 19, 2022 3:28 PM
To: Jegla, Sharon (MSP) <jeglas@michigan.gov>
Cc: Stehlík, Katrina (MSP) <StehlikK2@michigan.gov>
Subject: RE: REF MARYLAND CASE RSP [REDACTED] refer to legal

Sharon And Katrina,

As per our conversation, this will have to go to legal for review. I was able to obtain some court documents including MARYLAND felony information sheet on [REDACTED]. Please note that as previously indicated, the offense is not in PACC record.

While I was not able to obtain police report, I believe that felony information sheet provides enough information for MSP legal to make informed decision (combined with response from Maryland). In case that is not enough, Katrina will have to dig more as this is no longer my alphabet. Letter from Maryland is in the record.

Respectfully

Lana Hadzajlic-King
Pronouns: she, her, hers
Sex Offender Registry Unit
Criminal Justice Information Center
Michigan State Police
P.O. Box 30634
Lansing, MI 48909
[REDACTED]

"A PROUD tradition of SERVICE through EXCELLENCE, INTEGRITY, and COURTESY"



LET'S STAY SAFE TOGETHER

From: Hadzajlic-King, Lana (MSP)
Sent: Friday, September 30, 2022 12:58 PM
To: Jegla, Sharon (MSP) <jeglas@michigan.gov>
Subject: RE: REF MARYLAND CASE RSP [REDACTED]

I am waiting to hear on the police report.

Thanks!

Lana Hadzajlic-King
Pronouns: she, her, hers
Sex Offender Registry Unit
Criminal Justice Information Center
Michigan State Police
P.O. Box 30634
Lansing, MI 48909
[REDACTED]
[REDACTED]

"A PROUD tradition of SERVICE through EXCELLENCE, INTEGRITY, and COURTESY"



From: Jegla, Sharon (MSP) <jeglas@michigan.gov>
Sent: Friday, September 30, 2022 12:50 PM
To: Hadzajlic-King, Lana (MSP) <HadzajlicKingL@michigan.gov>
Subject: RE: REF MARYLAND CASE RSP [REDACTED]

The email does not provide the information we need to make a tier determination. We really need the police report; however, if you are not able to obtain it, we will ask legal how to proceed.

Thanks,

Sharon Jegla
Sex Offender Registry Unit
Criminal Justice Information Center

Does v Whitmer
Case No. 22-cv-10209

Michigan State Police
P.O. Box 30634
Lansing, MI 48909
[REDACTED]

"A PROUD tradition of SERVICE through EXCELLENCE, INTEGRITY, AND COURTESY"



From: Hadzajlic-King, Lana (MSP) <HadzajlicKingL@michigan.gov>
Sent: Friday, September 30, 2022 11:35 AM
To: Jegla, Sharon (MSP) <jeglas@michigan.gov>
Subject: RE: REF MARYLAND CASE RSP [REDACTED]

Yes. However, MA SOR has reached out to police agency and asked for support so I am not sure how long that will take.
Maybe on the email from MA SOR, our legal can make decision?

From: Jegla, Sharon (MSP) <jeglas@michigan.gov>
Sent: Friday, September 30, 2022 11:32 AM
To: Hadzajlic-King, Lana (MSP) <HadzajlicKingL@michigan.gov>
Subject: RE: REF MARYLAND CASE RSP [REDACTED]

Are you still waiting for the police report?

Thanks,

Sharon Jegla
Sex Offender Registry Unit
Criminal Justice Information Center
Michigan State Police
P.O. Box 30634
Lansing, MI 48909
[REDACTED]

"A PROUD tradition of SERVICE through EXCELLENCE, INTEGRITY, AND COURTESY"



From: Hadzajlic-King, Lana (MSP) <HadzajlicKingL@michigan.gov>
Sent: Friday, September 30, 2022 11:31 AM
To: Jegla, Sharon (MSP) <jeglas@michigan.gov>
Subject: RE: REF MARYLAND CASE RSP [REDACTED]

This is from the Registry, email attached for your viewing pleasure.

Lana

From: Jegla, Sharon (MSP) <jeglas@michigan.gov>
Sent: Friday, September 30, 2022 11:26 AM
To: Hadzajlic-King, Lana (MSP) <HadzajlicKingL@michigan.gov>
Subject: RE: REF MARYLAND CASE RSP [REDACTED]

Is this from the Registry or the Police Department? Are you still waiting for the police report?

Thanks,

Sharon Jegla
Sex Offender Registry Unit
Criminal Justice Information Center
Michigan State Police
P.O. Box 30634
Lansing, MI 48909
[REDACTED]
[REDACTED]

"A PROUD tradition of SERVICE through EXCELLENCE, INTEGRITY, AND COURTESY"



From: Hadzajlic-King, Lana (MSP) <HadzajlicKingL@michigan.gov>
Sent: Friday, September 30, 2022 10:25 AM
To: Jegla, Sharon (MSP) <jeglas@michigan.gov>
Subject: RE: REF MARYLAND CASE RSP [REDACTED]

Good morning,

The only information I received via email this morning is noted below. They did not provide police report or any other paperwork.

"Good morning Lana,
Maryland convicted Mr. [REDACTED] for a violation of Crime Code Art § 27-35c Sexual Abuse of a minor. The Offense involved his stepdaughter from ages 8-15, ending in june of 1999. At the time he committed his offense, the term of registration would have been for 10 years. The Offender's term of registration was converted to Life in 2010 based on MD SOR Statute changes, however the MD Court of Appeals determined this change to be unconstitutional and Maryland removed the offender from their registry in 2020 based on term expiration.

Because of the age of the case, we did not capture whether or not there was penetration."

Lana

From: Jegla, Sharon (MSP) <jeglas@michigan.gov>
Sent: Thursday, September 29, 2022 4:47 PM
To: Hadzajlic-King, Lana (MSP) <HadzajlicKingL@michigan.gov>
Subject: RE: REF MARYLAND CASE RSP [REDACTED]

Can you see if you can get the police report? Then I will forward to legal.

Thanks,

Sharon Jegla
Sex Offender Registry Unit
Criminal Justice Information Center
Michigan State Police
P.O. Box 30634
Lansing, MI 48909
[REDACTED]
[REDACTED]

"A PROUD tradition of SERVICE through EXCELLENCE, INTEGRITY, AND COURTESY"



From: Hadzajlic-King, Lana (MSP) <HadzajlicKingL@michigan.gov>
Sent: Thursday, September 29, 2022 2:43 PM
To: Jegla, Sharon (MSP) <jeglas@michigan.gov>
Subject: REF MARYLAND CASE RSP [REDACTED]

Sharon,

Do we know what 27-35A Causing Abuse to child would tier in our state? This is an incoming offender from Maryland who is no longer required to register there. This offense does not have classification in PACC code. Attached is his letter of removal form MA SOR. I have reached out to Maryland for conviction specifics.

Respectfully

Lana Hadzajlic-King
Pronouns: she, her, hers
Sex Offender Registry Unit
Criminal Justice Information Center
Michigan State Police
P.O. Box 30634
Lansing, MI 48909
[REDACTED]

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LET'S STAY SAFE TOGETHER

Jegla, Sharon (MSP)

From: Gemellaro, John (MSP)
Sent: Thursday, July 28, 2022 4:52 PM
To: Jegla, Sharon (MSP)
Cc: Morris, Narcisa (MSP)
Subject: RE: [REDACTED]
Attachments: § 4772. Lewd acts, P.R. Laws tit. 33, § 4772 _ Casetext Search + Citator.pdf

Hi.

I think the most relevant part of Puerto Rico's tiering relative to Art 144 is this:

Article 134. Abduction of minors **Art 144*****. Lewd acts Art 142. **Sexual assault (a b c d e g) (a) If the victim at the time of the event has not reached sixteen (16) years (b) If due to illness or mental disability, temporary or permanent, the victim is unable to comprehend the act (c) If she was compelled to the act by the use of force, violence, intimidation or threat of bodily harm.**

(d) the victim has been nullified or substantially impaired, without his knowledge, his ability to consent through hypnotic, narcotic, depressing or stimulating means or similar substances or means (e) If at the time of the act the act was committed, the victim was not aware of its nature and that circumstance was known to the defendant (g) If the victim is forced or induces through violence or psychological to participate in an unwanted sexual relationship with third parties. Article 170(a). Aggravated kidnapping (a) When committed against a person who has not reached the age of (18) or disabled person

I've highlighted the relevant portions based on your description of the offense. This description is listed in Tier 3.

The offense variables and the Art 144 description are similar to CSC 1. Penetration of an individual under age 12. Additionally, I located the attached statute from PR. While the code section is different, the bottom of the page references that this section was formally Art. 144.

This section is substantially similar to Assault with intent to commit CSC 2, MCL 750.520g2. Because the victim was under 13 at the time of the offense, MCL 28.722 makes such a conviction a Tier III.

Please upload the attached document into the record for future review, if necessary.

As a result, he should be registered as a tier III.

John Gemellaro
Legal Resources and Education
Transparency and Accountability Division
Michigan State Police
7150 Harris Drive
Dimondale, Michigan 48821
[REDACTED]

"A PROUD tradition of SERVICE through EXCELLENCE, INTEGRITY, and COURTESY"



From: Jegla, Sharon (MSP) <jeglas@michigan.gov>
Sent: Thursday, July 28, 2022 12:14 PM
To: Gemellaro, John (MSP) <GemellaroJ@michigan.gov>
Cc: Morris, Narcisa (MSP) <MorrisN@michigan.gov>
Subject: FW: [REDACTED]

Good Afternoon John,

Mr. [REDACTED] offender has been registered since 2015 for a 2008 Puerto Rico conviction. Meaghan came across his record and found we had him registered for the wrong offense. She has been working with Puerto Rico to get the conviction information and was able to confirm that he was convicted of Article 144 and is required to register for 15 years, annual verification in Puerto Rico. Details of the offense include an 11-year-old male victim, nephew of the offender. Police report indicates offense occurred on 07/02/2007 and involved anal penetration.

Puerto Rico sent us a list of Crime Codes and descriptions to assist us (see attached). Article 144 is listed numerous times in the document so I'm not sure what description goes with 144.

Can you please assist us in determining his registration requirements?

Thanks,

Sharon Jegla
Sex Offender Registry Unit
Criminal Justice Information Center
Michigan State Police
P.O. Box 30634
Lansing, MI 48909
[REDACTED]

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